

LEGISLATIVE UPDATE



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Spring 2022 - A Look Ahead

By the time this issue of the Fire Call is published, we will know what the Spring 2022 legislative calendar looks like. The House and Senate leaders distribute the calendar for the upcoming spring session during the fall Veto Session, which is scheduled for October 19-21 and October 26-28, 2021. But even before the actual dates are released, we already know one very important fact: Session is likely to be shorter next year.

In September, House Speaker Chris Welch said in an interview that he wanted the spring session to be abbreviated. Citing the significant legislative achievements of the 2021 session, including passage of the four Black Caucus Pillars, a comprehensive energy bill, and redistricting, Welch said he believed the legislature could address any pressing legislative issues in fewer working days. Senate President Don Harmon followed suit, agreeing with Welch that much had been accomplished this year and he hoped to adjourn before the traditional date of May 31st.

The push for a shorter legislative session is tied directly to the 2022 general primary. Due to the COVID-19 pandemic and resulting delays to the 2020 U.S. Census lawmakers acted to move the primary, normally held in March, to June 28, 2022. This means key weeks for campaigning will fall in May and June of 2022 and a shorter time frame between the primary and general election. Legislators with primary opponents want more time in their districts, and fewer days in Springfield where their voting record can become ammunition for their political opponents.

How Democratic leadership will accomplish their goal of a shorter session remains to be seen. While legislative leaders can attempt to limit the number of bills heard in committee, they cannot prohibit legislators from filing bills. More importantly, legislation is often filed in response to the needs of constituents and organizations, and many times those needs are time sensitive. While advocacy may be more difficult with fewer session days on the calendar, IAFPD will introduce multiple bills this spring to address our legislative needs in 2022.

The IAFPD agenda includes three bills that have been previously introduced and one new measure that builds upon our legislative success in 2021. First, at look at unfinished business:

- IAFPD will continue to work toward a dedicated employer seat on the Illinois Firefighters' Pension Investment Fund. While we now have a seat at the table following a recent election, our continued participation should be guaranteed in statute. A dedicated seat is not only fair to fire protection districts but improves the makeup and function of the board.
- Legislation to allow workers' compensation coverage to begin the day after an injury or illness for part-time, on call and volunteer firefighters will be reintroduced.
- We will again seek passage of legislation to protect the financial interests of fire protection districts that enter into annexation agreements with municipalities. A bill to allow fire

protection districts to seek payment for reasonable legal costs associated with collecting money owed to districts through an annexation passed the Senate unanimously last year and we will be working toward final passage in 2022.

- The Association has sought to require municipalities to include provisions for fire service in TIF redevelopment plans. We have requested that this language be included in proposed TIF Reform omnibus legislation and will continue to pursue that option.

IAFPD will build on the foundation of last year's House Bill 3763 (PA 102-574), which requires a response time study be conducted in cases of an involuntary consolidation of a fire protection district or involuntary closure of a fire station. HB 3763 passed unanimously and was signed into law by Governor JB Pritzker in August. In addition to conducting a response time study, we will introduce legislation that will require a study on the impact of any such consolidation on homeowner and property owner insurance rates.

Moving our legislative agenda forward during an abbreviated legislative session may be challenging making member engagement even more critical. As always, please continue to respond to calls for action and keep the lines of communication open with your legislators in support of the Association. ■



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Public Act 102-59 (House Bill 351)

Adds a requirement for the fire chief of a secondary employer to report any injury, illness, or exposure incurred by a secondary employee to the Illinois Department of Insurance as well as the employee's primary employer within 96 hours from the date of incurrence. Also requires that the Department Insurance receive the required annual report for secondary employee injuries. (Effective July 9, 2021)

Public Act 102-79 (Senate Bill 121)

Amends the Emergency Medical Services (EMS) Systems Act (210 ILCS 50/3.55) to add subsection (f) authorizing an EMS System Medical Director to allow an EMT, EMT-I, Paramedic, or PHRN to complete the initial IL OSHA Respirator Medical Evaluation Questionnaire for fire service personnel. (Effective Jan. 1, 2022)

Public Act 102-81 (Senate Bill 167)

Amends Article 4 of the Pension Code (Downstate Firefighters' Pension) to make changes in how benefits are computed for persons who participate in more than one pension fund and imposes on participants required notification and contribution obligations. Has retroactive application. (Effective July 9, 2021)

Public Act 102-138 (Senate Bill 85)

Amends Section 11k of the Fire Protection District (70 ILCS 705/11k) to require that unless an exception under 11k(a) or 11k(b) applies, the acquisition of improvements to real estate by a fire protection district by direct or beneficial ownership which results in an expenditure in excess of \$20,000 must be competitively bid under the procedures of Section 11k(b). (Effective Jan. 1, 2022)

Public Act 102-188 (House Bill 809)

Amends Section 16.06c of the Fire Protection District Act (70 ILCS 705/16.06c) to clarify that the Joint Labor and Management Committee is not required to establish or operate a community outreach program, a master

register of eligible candidates, or contract with a testing agency to establish such a program. (Effective Jan. 1, 2022)

Public Act 102-269 (House Bill 640)

Adds the Illinois Chapter of the International Association of Arson Investors and the Mutual Aid Box Alarms System (MABAS) as members of the Illinois Fire Advisory Commission. (Effective Aug. 6, 2021)

Public Act 102-290 (Senate Bill 561)

Effective Jan. 1, 2022 prohibits the use of Class B firefighting foam which contains PFAS for training or testing purposes. It does not apply to the use of such foam when responding to an emergency situation. Contains provisions regarding the disposal of Class B firefighter foam containing PFAS. (Effective Aug. 6, 2021)

Public Act 102-331 (Senate Bill 1714)

Makes a technical change to the Illinois Fire Protection Training Act by eliminating duplicative language in Section 8 of that Act regarding required training in the history of the Fire Service Labor Movement. (50 ILCS 740/8) (Note: substantially the same language as that deleted from Section 8 is contained in Section 12.6 of the Act.) (Effective Jan. 1, 2022)

Public Act 102-352 (House Bill 3911)

Amends the First Responders Suicide Prevention Act by adding a new Section 40 (5 ILCS 840/40) to require recommendations to be made by the Task Force created under the Act including the areas of mindfulness-based stress reduction techniques and moderate and vigorous intensity activities. (Effective June 1, 2022)

Public Act 102-375 (Senate Bill 2250)

Changes the age 35 exception for eligibility for full time employment as a firefighter of fire protection district to allow persons over age 35 who have served in a fire protection district fire department for 5 years (no longer needs to

be immediately preceding) to be eligible for examination for employment as a full time firefighter. (Effective Aug. 13, 2021)

Public Act 102-426 (House Bill 2408)

Creates the Fire and Smoke Damper Inspection Act and requires inspection and testing of such dampers by certificated personnel under the International Certification Board and that all dampers inspected meet the requirements of the current International Fire Code as adopted by the State of Illinois and any authority having jurisdiction over such dampers. (Effective Jan. 1, 2022)

Public Act 102-439 (House Bill 2568)

Provides that for purposes of PSEBA (Public Safety Employee Benefits Act), the required health insurance benefit will be the health insurance plan bargained for in the collective bargaining agreement of the affected employee. If the CBA is silent, the PSEBA required plan will that bargained for with an authorized agent of the employee and shall be subject to the grievance process. (Effective Jan. 1, 2022)

Public Act 102-448 (House Bill 2860)

Adds the provisions of the Vehicle Code regarding "fire chief" vehicles to also include and also be applicable to properly licensed "deputy fire chief" and "assistant fire chief" vehicles. (Effective Jan. 1, 2022)

Public Act 102-450 (House Bill 2864)

Makes changes to the Emergency Medical Services (EMS) Systems Act to allow the EMS System Medical Director in rural areas with a population of 5,000 or fewer to create exceptions regarding credentialing for EMS personnel in order to allow registered nurses, physician's assistants, and advanced practice registered nurses to serve as volunteer EMS personnel to perform the same work as EMTs. (Effective Jan. 1, 2022)

Public Act 102-493 (House Bill 3662)

Amends the Workers' Compensation Act to provide, as to firefighters and EMTs,

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that a contagious staph infection (including MRSA) is rebuttably presumed to arise out and in the course of employment. (Effective Aug. 20, 2021)

[Public Act 102-574 \(House Bill 3763\)](#)

Makes changes to multiple sections of the Fire Protection District Act to require a response time study to be conducted in circumstances where a fire station is closed or a fire protection district has territory involuntarily disconnected or is consolidated with another fire protection district or municipal fire department. (Effective Jan. 1, 2022)

[Public Act 102-580 \(House Bill 2784\)](#)

Creates the Community Emergency Services and Support Act. Requires 9-1-1 systems and agencies dispatch by such systems to coordinate with mobile mental and behavioral health services of the Division of Mental Health of the Department of Human Services so that persons in need of such services will receive them. Establishes Regional Advisory Committees in each EMS Region. Makes other provisions regarding the rights and care of persons needing mental health services. (Effective Jan. 1, 2022)

[Public Act 102-592 \(House Bill 2412\)](#)

Requires legal notices which are required to be published to also be published in the official language of a minority group constituting more than 45% of the population of the entity making the publication of the notice. (Effective Jan. 1, 2022)

[Public Act 102-602 \(House Bill 2806\)](#)

Provides for the removal of a member of a volunteer board or commission from a governing or administrative body of a unit of local government by the appointing authority for that unit of government for misconduct, official misconduct, or neglect of office. (Effective Aug. 27, 2021)

[Public Act 102-603 \(House Bill 3004\)](#)

Prohibits a member of a pension fund governing board from being employed by that fund after leaving the board for a period of 12 months after ceasing to be a member. (Effective Jan. 1, 2022)

[Public Act 102-612 \(House Bill 3714\)](#)

Changes requirements regarding licensure of Fire Sprinkler Contractors under the Fire Sprinkler Contractor Licensing Act. (Effective Aug. 27, 2021)

[Public Act 102-623 \(Senate Bill 693\)](#)

Makes changes to the Emergency Medical Services (EMS) Systems Act regarding emergency medical services and Emergency Medical Responders. Adds provisions for alternative staffing of EMS vehicles. Makes provision for bypass or diversion of patients who do not have an immediate life threatening injury or illness; or who are not under the influence of drugs or alcohol, have no immediate or obvious need for transport to an emergency department, and have an immediate need for transport to a mental health facility. (Effective Aug. 27, 2021)

[Public Act 102-626 \(Senate Bill 1697\)](#)

Changes provisions of the Grant Accountability and Transparency Act (GATA) regarding the requirements of the law with regard to grant awards funded by state appropriations only. (Effective Aug. 27, 2021)

[Public Act 102-627 \(Senate Bill 2107\)](#)

Amends the Illinois Municipal Retirement Fund and the Firefighters' Pension Investment Fund (IFPIF) in the Illinois Pension Code to allow employees of the IFPIF to participate in IMRF. (Effective Aug. 27, 2021)

[Public Act 102-653 \(Senate Bill 2356\)](#)

Amends the Open Meetings Act. Requires that when a public body (such as a fire protection district) is dissolved, disbanded, eliminated, or consolidated, the unit of local government which

assumes the functions of that public body is required to review the closed session minutes of the body. Also, provides review procedures for minutes of closed sessions of ad hoc committees of a body subject to the Open Meetings Act. (Effective Jan. 1, 2022)

[Public Act 102-661 \(House Bill 684\)](#)

Provides that ground ambulance services will continue to be paid under the State's traditional fee-for-service program and will be exempt from state managed care payment procedures. (Effective Jan. 1, 2022)

[Senate Bill 1169](#)

Amends the Health Care Right of Conscience Act to add a new Section 13.5 which provides that it is not a violation of the Act "...for any person or public official, or any public or private association, agency, corporation, entity, institution, or employer, to take any measures or impose any requirements...intended to prevent contraction or transmission of COVID-19...". [This bill has been passed by both the Illinois Senate and House of Representatives and it is expected that it will be approved by the Governor.] [In related developments, the U.S. District Court for the Northern District of Illinois has rejected a suit by Chicago firefighters contesting the city's requirement regarding reporting of COVID-19 vaccination status and the U.S. Supreme Court has refused to take up an emergency appeal of a decision of the U.S. Court of Appeals for the First Circuit which affirmed a decision of the U.S. District for the District of Maine upholding a COVID-19 vaccination requirement for healthcare employees.] ■



The new **2021 Edition** of the **Trustee's Handbook** has arrived and is available for purchase \$50 each. The authors revised about 30 pages of the previous 2018 version. This exceptional resource is a breakdown on the duties and responsibilities for the administration but also explains the fire laws in layman's terms. Contact IAFFPD to order by phone 217-525-6620 or email info@iafpd.org.